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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,378	04/26/2000	Clause Pedersen	061602-3175	9534
30542 7590 02/23/2007 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER NGUYEN, THANH T	
			ART UNIT 2144	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/558,378

Applicant(s)

PEDERSEN ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____



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DETAILED ACTION

1. In view of the Appeal Brief filed on November 24, 2006, PROSECUTION IS
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following
two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37
CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a
supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or
other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-11, 13-16 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form
the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Peretz et al. (USPN 6,006,351 – Date of Patent: December 21, 1999, herein referred to as “Peretz”).
5. As to claim 1, Peretz discloses the invention as claimed, Peretz discloses including a mobile communication terminal for providing an application, using a browser, said terminal comprising: a transceiver arranged to send radio packets to and receive radio packets from a server [see col.13, lines 10-15] (*a user may either transmit messages to the server or receive messages from the server*); a browser for displaying content, said browser arranged to initiate an application by accessing a first item associated with the application using a first content identifier, the application being provided by the combination of the first item and further items each of which is accessible using an individual content identifier, and each of which comprises content or means for linking to content [see col.11, lines 39-46 and col.12, lines 18-21] (*the server may send a plurality of pager messages to the handheld unit and each of these pager messages may be marked with an identifier, and a handheld unit's serial number that may be used by the server to identify each handheld unit*); and a memory for storing items received [see col.13, lines 23-25] (*the message may be stored in the RAM*) from

the server locally in the terminal for access by the browser using the individual content identifiers of the respective items [see col.11, lines 50-51] (*the handheld unit may request that the server resends pager message based on the identifiers*), wherein: accessing an item involves attempting to read the item from the memory and then, if unsuccessful, requesting transfer of the item from the server by sending a radio packet containing the appropriate content identifier of the requested item [see col.13, lines 10-15, and col.11, lines 43-53] (*the handheld unit may determine that it received pager messages 1-4 and 6-10, but not pager message 5. At some later time when the handheld unit connects to the server over the telephone link, the handheld unit may request that the server resends pager message 5 based on the identifiers*), and the terminal is arranged to store in the memory, for access by the browser, items pulled from the server in response to requests for transfer and items pushed asynchronously from the server without having been requested by the browser [see col.11, lines 43-53] (*Thus, the system may track incoming pager messages and request re-transmission of lost pager messages*).

6. As to claim 2, Peretz discloses the invention as claimed, wherein the first item includes identifying means for identifying to the browser to the content identifiers of the further items, and link means for linking to the further items using their individual content identifiers [col.12, lines 18-21] (*the server may send a plurality of pager messages to the handheld unit and each of these pager messages may be marked with an identifier, and a handheld unit's serial number that may be used by the server to identify each handheld unit*).

7. As to claim 3, Peretz discloses the invention as claimed, wherein the first item further includes transfer means for transferring the further items from the server to the terminal for storage in the memory in the terminal where the further items may be accessed using the respective individual content identifiers of the further items [see col.13, lines 23-25] (*the message may be stored in the RAM*).
8. As to claim 6, Peretz discloses the invention as claimed, wherein the transfer means transfers only items which are not already stored in the memory [se col.11, 12, lines 10-15].
9. As to claim 7, Peretz discloses the invention as claimed, wherein on transfer of the first item to the terminal the identifying means, link means and transfer means are activatable to establish a hierarchy of items [see col.14, lines 1-34].
10. As to claim 8, Peretz discloses the invention as claimed, wherein the identifying means, link means and transfer means are activated automatically when the first item is transferred [see col.16, lines 15-54].
11. As to claim 9, Peretz discloses the invention as claimed, wherein: communication between the terminal, and the server is in accordance with the Wireless Application Protocol, and the first item is a deck and the further items are either cards or decks [see col.16, lines 55-65].
12. As to claim 10, Peretz discloses the invention as claimed, wherein the terminal Includes arbitration means for determining whether an Item received from the server is in reply to an access by the browser and should be directed to the browser and subsequently stored in the memory, or is not in reply to an access by the browser and

should be stored directly in the memory [see col.13, lines 23-25] (*the message may be stored in the RAM*).

13. As to claim 11, Peretz discloses the invention as claimed, wherein the arbitration means makes the determination on the basis of an identifier provided by the server [see col.11, lines 39-53]
14. As to claim 13, Peretz discloses the invention as claimed, wherein the memory is unpartitioned [see col.13, lines 23-25].
15. As to claim 14, Peretz wherein the application may be updated by updating the identifying means and the link means of the first item in the server and transferring the updated first item to the terminal [see col.11, lines 16-37].
16. As to claim 15, Peretz discloses the invention as claimed, wherein the application may be updated by updating the content of further items in the server and transferring the updated further items to the terminal [see fig.1].
17. As to claim 16, Peretz discloses the invention as claimed, wherein on the first activation of the application all items associated with the application are transferred from the server to the terminal [see col.13, lines 11-28].

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peretz et al., (hereinafter Peretz) U.S. Patent No. 6,006,351 in view of Nagatomo et al., (hereinafter Nagatomo) U.S. Patent No. 6,334,126.
20. As to claim 4, Peretz does not explicitly disclose the invention as claimed, wherein: the terminal further comprises a user interface connected to the browser and having a display for displaying content and user input means, and the first item includes link means for providing a visual indication of links on the display and for providing for user activation of each displayed link.
21. In the same field of endeavor, Nagatomo discloses (e.g., data output system, communication terminal to be connected to data output system, data output method and storage medium). Nagatomo discloses a user interface connected to the browser and having a display for displaying content and user input means, and the first item includes link means for providing a visual indication of links on the display and for providing for user activation of each displayed link (Nagatomo teaches *each communication terminal can certainly output the URLs of sites which provide information associated with the keyboard desired by the search requester*)[see col.20, lines 13-25].
22. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Nagatomo's teachings of data output system, communication terminal to be connected to data output system,

data output method and storage medium with the teachings of Peretz to have a user interface connected to the browser and having a display for displaying content and user input means, and the first item includes link means for providing a visual indication of links on the display and for providing for user activation of each displayed link, for the purpose for using data communication while being connected to a portable computer like a PDA and to allow users to view homepages and the like [see Nagatomo, col.1, lines 64-67].

23. As to claim 5, Peretz discloses the invention as claimed, wherein each content [see col.11, lines 40-53]. However, Peretz does not explicitly disclose a URL.
24. In the same field of endeavor, Nagatomo discloses (e.g., data output system, communication terminal to be connected to data output system, data output method and storage medium). Nagatomo discloses a URL (Nagatomo teaches *each communication terminal can certainly output the URLs of sites which provide information associated with the keyboard desired by the search requester*)[see col.20, lines 13-25].
25. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Nagatomo's teachings of data output system, communication terminal to be connected to data output system, data output method and storage medium with the teachings of Peretz to have a URL, for the purpose for using data communication while being connected to a portable computer like a PDA and to allow users to view homepages and the like [see Nagatomo, col.1, lines 64-67].

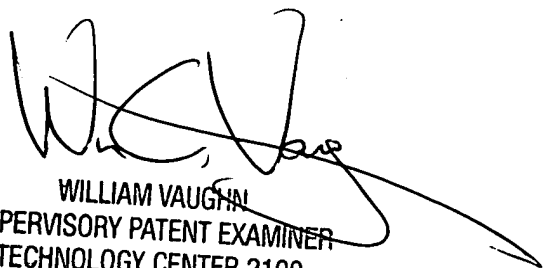
Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *William Vaughn* can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WV
February 4, 2007


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